



VIA: USPS Certified Mail  
Shipping Event: 1st

July 26, 2012

Carson & Barnes Circus Co., Inc.  
P. O. Box J  
Hugo, OK 74743

Registered Agent: Thelma Millican  
203 East Jackson Street  
Hugo, OK 74743

## **SETTLEMENT AGREEMENT**

### **CITATION AND NOTIFICATION OF PENALTY**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

#### **Date of Violation: August 27, 2010**

##### **9 C.F.R. § 2.131(c)(1) Handling of animals.**

Respondent failed to maintain control of an elephant when allowing three elephants to drink while in traveling exhibit status. The elephant ran and fell down a steep slope and onto her side. After the incident, the elephant was observed to have a cracked toenail and an inflamed shoulder.

#### **Date of Violation: May 12, 2010**

##### **9 C.F.R. § 3.127(b) Facilities, outdoor. Shelter from inclement weather.**

Respondent failed to provide appropriate shelter from inclement weather for three elephants. Shelter must be provided to elephants to prevent discomfort during inclement weather.

#### **Date of Violation: May 12, 2010**

##### **9 C.F.R. § 3.127(d) Facilities, outdoor. Perimeter fence.**

Respondent failed to maintain a controlled perimeter fence or appropriate alternative security measures for three elephants. The electric fence used to contain the three elephants was not powered, rendering the containment inadequate.

#### **Date of Violation: Jun 19, 2010**

##### **9 C.F.R. § 3.138(a) Primary conveyances (motor, vehicle, rail, air, and marine).**

Respondent failed to maintain the trailer used to haul various circus animals in good repair. The trailer had an 8 inch hole in the floor at the entrance of the trailer that could injure all animals that would use this entrance to access the trailer.



**Date of Violation: June 29, 2011**

**9 C.F.R. § 2.131(c)(1) Handling of animals.**

Respondent failed to provide adequate distance and/or barriers between the public and two elephants. In the parking lot of the exhibition, while two elephants were being bathed, several people stopped to observe the bathing within close proximity of the animals, with no physical barrier or sufficient distance to minimize the risk of harm to the public and the animals. APHIS officials also observed that a member of the public was able to grab an elephant's trunk over a barrier while the elephant handler had his back to the public area.

**Date of Violation: June 29, 2011**

**9 C.F.R. § 2.131(d)(3) Handling of animals.**

Respondent failed to have its elephants under the direct control and supervision of knowledgeable and experienced animal handlers during public exhibition. During the elephant rides, the handlers frequently left the animals unattended, such as by walking away from the elephants to adjust the barrier fence or standing several feet away from the elephants. In another instance, a handler walked away from an elephant, while 1 adult and 6 children were saddled on it, to talk on his cell phone while the elephant continued the ride unattended.

**Date of Violation: October 7, 2011**

**9 C.F.R. § 2.131(d)(3) Handling of animals.**

Respondent failed to have its elephants under the direct control and supervision of knowledgeable and experienced animal handlers during public exhibition. During this focused inspection concerning the handling of elephants, APHIS officials observed two elephants used for rides with passengers on board, that were not controlled and/or supervised at all times. Two elephants that were being used for rides with passengers on board only had one handler present. The unattended elephant would stop in from of an "exit curtain" that did not have a physical barrier to stop the animals. The elephant could have left the area through this curtain with the public on board.

**Date of Violation: December 20, 2011**

**9 C.F.R. § 3.125(a) Facilities, General.**

Respondent failed to maintain the interior walls of the elephant barns in good repair. The walls had missing or damaged sections of insulation that inhibited the cleaning of the walls.

**Date of Violation: April 27, 2012**

**9 C.F.R. § 3.125(a) Facilities, General.**

Respondent failed to maintain the metal mesh near the entry for one adult elephant in good repair. The metal mesh had sharp edges protruding that could cause injury to the elephant.



**Date of Violation: April 27, 2012**

**9 C.F.R. § 3.127(d) Facilities, Outdoors.**

Respondent failed to maintain the perimeter fence to restrict animals and unauthorized persons from going through it or under it. APHIS observed that sections of the perimeter fence had gaps between the fencing and the ground, perimeter gates were not properly closing to restrict entry, and gates did not close completely to restrict entry.

The penalty for the alleged violations described above is \$3,714.